

Paternity Leave Policy and Procedure – Teachers

| | | | |
|----------------|----------------|---------------|-------------|
| Policy Level | Trust | Ref No | HR14 |
| Approved by | Executive Team | Approved date | Spring 2025 |
| Responsibility | HR | Next review | Autumn 2026 |
| Reviewed by | V Gavin | Date Issued | March 2025 |

Document Control

| | |
|---------------------------|--|
| Title | Paternity Leave Policy and Procedure – Teachers December 2024 |
| Supersedes | Paternity Leave policies and procedures 2022 |
| Amendments | Reviewed to ensure compliance with current employment guidance and regulations |
| Related Policies/Guidance | Employment Rights Act 1996, Employment Relations Act 1999, Employment Act 2002, Work and Families Act 2006, Children and Families Act 2014, other “family-friendly” policies, Attendance Management Policy, Equalities guidance. |
| Review | Every 2 years October 2026 |
| Author | HR and People, One Education Ltd & V Gavin HR & People Manager |

Equality Statement: - Under the public sector equality duty (PSED), all schools/academies must have due regard to the need to eliminate discrimination, harassment and victimisation and any other conduct prohibited by the Equality Act 2010; to advance equality of opportunity between those who share a relevant protected characteristic and those who do not share it and to foster good relations across all protected characteristics. This means schools/academies must take into account equality considerations when policies are being developed, adopted and implemented.

Contents

| | |
|--|---|
| 1. Introduction | 4 |
| 2. Scope | 4 |
| 3. Paternity Leave..... | 4 |
| Non Statutory Paternity Leave | 4 |
| Statutory Paternity Leave | 4 |
| 4. Eligibility for Statutory Paternity Leave | 5 |
| 5. Paternity Pay | 6 |
| 6. Relationship with Shared Parental Leave | 6 |
| 7. Antenatal Appointments..... | 6 |
| 8. Multiple Births | 6 |
| 9. Returning to work..... | 7 |
| 10. Flexible working | 7 |
| 11. Continuous service | 7 |
| 12. Relevant Associated Policies | 7 |
| Appendix A – Teacher Entitlement to Paternity Leave..... | 8 |
| Appendix B – Teacher Notice of Period of Paternity Leave | 9 |

1. Introduction

- 1.1 Paternity Leave is available to eligible teachers in order for them to provide support to their partner and child following the birth or in cases of adoption, placement, of a child.
- 1.2 The right to statutory Paternity Leave and pay is subject to meeting certain [eligibility](#) criteria.
- 1.3 Employees may also be entitled to take Shared Parental Leave. And should refer to the trust's Shared Parental Leave policy.

2. Scope

- 2.1 This policy applies to all teachers employed in maintained schools and those to whom the conditions of the Burgundy Book (Conditions of Service for School Teachers in England and Wales) apply. This includes teachers employed in academies and free schools who were subject to transfer under TUPE Regulations unless alternative terms and conditions have since been agreed. It may also be adopted for use in schools such as academies and free schools where the conditions of the Burgundy Book are being applied.

3. Paternity Leave

Non Statutory Paternity Leave

- 3.1 Teachers are able to request up to 3 days paid leave following the birth or placement of a child.
- 3.2 This is not a statutory entitlement and is subject to approval from the Academy Lead. If approved, this leave can be taken in addition to or instead of statutory paternity leave.
- 3.3 Teachers must request such leave in line with the school's Leave of Absence Policy.

Statutory Paternity Leave

- 3.4 Eligible teachers are entitled to take one or two week's Paternity Leave. A week is classed as the number of days that a teacher would usually be in work over a calendar week period.
- 3.5 If a teacher chooses to take two weeks leave, these can be taken as either two separate blocks of one week or as two consecutive weeks. Paternity Leave cannot be taken in blocks of less than a week.
- 3.6 A teacher can choose when to take their Paternity Leave, within the 52 weeks following the birth or placement of the child.
- 3.7 Paternity Leave cannot commence before the birth or placement of the child.
- 3.8 If a baby is born prematurely, paternity leave must be taken in the period between birth and up to 52 weeks following the Expected Week of Confinement (EWC).
- 3.9 Teachers can change the date of their Paternity Leave, providing they give 4 weeks' notice of the proposed variation or cancellation.

4. Eligibility for Statutory Paternity Leave and Notice of Periods of Paternity Leave

4.1 Statutory Paternity Leave is available to;

- The child's biological Father
- Spouse, Civil Partner or Partner of the birth parent, with caring responsibilities for the child if not the biological Father,
- Child's adopter (and they are not the main adopter),
- Intended parent (for surrogacy arrangements)

4.2 In order to be eligible for Statutory Paternity Leave, teachers must:

- Have at least 26 weeks continuous service with their employer at the 15th week before the Expected Week of Confinement (EWC) in birth cases.
- Have at least 26 weeks continuous service with their employer at the "Matching Week" in adoption cases, or for overseas adoptions, the date the child arrives in the UK
- Provide notice at least 15 weeks prior to the baby's due date of the intention to take leave, the EWC. Notice should be in writing.
- Provide notice within 7 days of being matched with a child of the expected date of placement. Notice should be provided in writing.

4.3 In addition to the above, employees must provide notice of entitlement as follows:

- Provide a declaration that they meet the eligibility regulations above and intend to take paternity leave for the purpose of caring for the child or supporting their partner
- Submit evidence in the form of a copy of the MATB1¹ form or matching certificate prior to any leave or pay being authorised.

4.4 Once declaration of eligibility has been provided; employees will be expected to provide notice of any periods of leave they intend to take as follows:

- Provide 28 days' notice of their intention to take a period or periods of leave in birth cases
- Provide 7 days' notice of their intention to take a period or periods of leave in adoption cases

4.5 If a pregnancy sadly ends in stillbirth after the end of the 24th week of pregnancy, the employee remains entitled to paternity leave and any paternity pay that they qualify for, commencing from the day after the stillbirth. The employee may also qualify for parental bereavement leave/pay. Please refer to the trust's Leave of Absence Policy.

4.6 If a baby dies within the first 28 days of life this is considered to be a neonatal death. If an employee's baby was born alive, at any time during the pregnancy, but did not survive, the employee is entitled to paternity leave, and any paternity pay that they qualify for. The employee may also qualify for Parental Bereavement Leave. Please refer to the trust's Leave of Absence Policy.

¹ The MATB1 certificate will be issued no earlier than 20 weeks before the Expected week of confinement (EWC)

- 4.7 The Paternity Leave (Bereavement) Act 2024 grants fathers/partners automatic rights to paternity leave, when their spouse, partner or civil partner dies and that person is the mother/birth parent or a person with whom a child is placed or is expected to be placed for adoption.

5. Paternity Pay

- 5.1 The rate of Statutory Paternity Pay is set by the government each tax year.
- 5.2 Teachers are eligible for Statutory Paternity Pay providing that they meet the following criteria:
- have at least 26 weeks continuous service with the school or Local Authority by the end of the 15th week before the expected week of childbirth (known as the 'qualifying week')
 - be employed up to the date of birth of the child
 - have earnings that are not less than the lower earnings limit for National Insurance contributions

6. Relationship with Shared Parental Leave

- 6.1 Teachers who wish to take additional leave following their ordinary Paternity Leave may be eligible to take Shared Parental Leave. . (Paternity Leave may not be taken **after** Shared Parental Leave)
- 6.2 Providing the mother/birth parent/main carer/main adopter has curtailed their maternity/adoption leave, and meets the eligibility criteria, their partner can share the remainder of the leave and pay entitlement during the 52 weeks following the birth/placement of the child.
- 6.3 Eligible teachers are **not** required to take ordinary Paternity Leave prior to taking Shared Parental Leave.
- (Please refer to the trust's Shared Parental Leave policy for further information).

7. Antenatal Appointments

- 7.1 Teachers who are the father, spouse, partner or civil partner of a pregnant person, are entitled to take unpaid time off work to attend up to 2 antenatal appointments.
- 7.2 Partners of main adopters are entitled to take reasonable time off to attend up to 2 pre-adoption appointments, which will be unpaid.
- 7.3 Teachers must make their requests to attend appointments to the Academy Lead, providing as much notice of the appointment as possible.

8. Multiple Births

- 8.1 There is no additional entitlement to Paternity Leave or Paternity pay, should the partner give birth to more than one child.

9. Returning to work

- 9.1 Teachers have the right to return to their job following a period of Paternity Leave.
- 9.2 If a teacher does not return to work on the expected date after a period of Paternity Leave, this may be recorded as unauthorised absence and may be considered a conduct issue.
- 9.3 If a teacher cannot return to work on the expected date of return due to sickness, the conditions of the sick pay scheme and the school's Attendance Management Policy will apply.

10. Flexible working

- 10.1 Teachers have the right to request a variation to their contract so that they can work more flexibly and thereby balance their childcare responsibilities with their work commitments.
- 10.2 There is no automatic right to return to work following Paternity Leave on an adjusted working pattern, however careful consideration will be given on receipt of a request in accordance with the trust's Flexible Working Policy.
- 10.3 Teachers should refer to the trust's Flexible Working Policy and Procedure.

11. Continuous service

- 11.1 Paternity Leave is regarded as continuous service and does not constitute a break in service.
- 11.2 During the time that an employee is receiving Paternity Pay, National Insurance, Income Tax and pension contributions (where applicable) will be deducted from the gross pay.

Notifications of entitlement to pay and leave may be undertaken on behalf of the school by the school's payroll provider. The school must ensure that all relevant documentation is provided in a timely manner to the payroll provider.

12. Relevant Associated Policies

- ✓ Attendance Management Policy
- ✓ Leave of Absence Policy
- ✓ Maternity Leave Policy
- ✓ Flexible Working Policy
- ✓ Parental Leave Policy
- ✓ Shared Parental Leave Policy
- ✓ Adoption Policy

Appendix A – Teacher Entitlement to Paternity Leave

Personal Details

| | |
|---------------------------|--|
| Name | |
| Academy/Site | |
| Role | |
| National Insurance Number | |

Declaration:

(You must be able to tick all 3 boxes below to be eligible for Statutory Paternity Pay (SPP) and Paternity Leave).

- I am the child's biological father or the mother's/birth parent's spouse, civil partner or a partner, the child's adopter (who is not the main adopter) or the intended parent (for surrogacy arrangements) - who lives with the birth parent and child in an enduring family relationship
- I will have responsibility for caring for the child.
- I will take time off work to support the mother/birth parent and/or care for the child.

Depending on your circumstances, you may not qualify for Statutory Paternity Pay and/or paternity leave. If this is the case you will be provided with form SPP1.

Signed

Date

Appendix B – Teacher Notice of Period of Paternity Leave

Personal Details

| | |
|---------------------------|--|
| Name | |
| Academy/Site | |
| Role | |
| National Insurance Number | |

Requested Dates for Pay and Leave:

| | |
|---|---|
| Has the baby been born yet? | YES - Date of birth <DD/MM/YYYY> NO - Due Date <DD/MM/YYYY> |
| Do you have a placement date yet? | YES – Placement Date <DD/MM/YYYY> N/A |
| Do you wish to take 1 week or 2 weeks leave? | 1 week 2 separate weeks 2 consecutive weeks |
| When do you wish Paternity Leave to start? (Eligibility permitting) | <DD/MM/YYYY> |
| If taking 2 weeks at separate times, do you wish to provide notice of the 2 nd week at a later date? | YES - (if yes please provide the date of the 2 nd week in line with the notice requirements) NO - (provided both dates above) |

Signed

Date